

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:24-CV-00578-M

VIRGINIA WASSERBERG, NORTH
CAROLINA REPUBLICAN PARTY,
and REPUBLICAN NATIONAL
COMMITTEE,

Plaintiffs,

v.

NORTH CAROLINA STATE BOARD
OF ELECTIONS, et al.,

Defendants,

and

NORTH CAROLINA ALLIANCE FOR
RETIRED AMERICANS,

Intervenor-Defendant.

**PLAINTIFFS' MOTION FOR
EXTENSION OF TIME TO
RESPOND TO DEFENDANTS'
MOTION TO DISMISS**

Pursuant to Fed. R. Civ. P. 6(b) and Local Civil Rule 6.1(a), Plaintiffs move the Court to enter an Order extending the time within which Plaintiffs may respond to Defendants' Motion to Dismiss Plaintiffs' Complaint (D.E. 21) by 14 days. In support of this motion, Plaintiffs show the Court the following:

1. Plaintiffs filed this action on September 3, 2024, in the North Carolina General Court of Justice, Superior Court Division, Wake County. (D.E. 1-3.)
2. Defendants removed this action to this Court on October 9, 2024. (D.E. 1.)

3. Defendants filed and served Defendants' Motion to Dismiss Plaintiffs' Complaint (the "Motion to Dismiss") on October 16, 2024. (D.E. 21.)

4. Accordingly, under Local Civil Rule 7.1(f)(1), Plaintiffs presently have until and including November 6, 2024, within which to file and serve a response to the Motion to Dismiss.

5. Plaintiffs need additional time to respond to the Motion to Dismiss. Plaintiffs have spent the time since this case was removed to this Court preparing and filing a Motion to Remand, a Memorandum of Law in Support of Motion to Remand, and Plaintiffs' Reply to Responses of Defendants and Intervenor-Defendant to Plaintiffs' Motion Remand. (D.E. 16, 17, 31.) Additionally, Plaintiffs prepared and filed a Motion for Expedited Briefing Schedule for and Consideration of Plaintiffs' Motion to Remand and a Memorandum of Law in Support of Motion for Expedited Briefing Schedule for and Consideration of Plaintiffs' Motion to Remand (D.E. 18, 19.) Finally, Plaintiffs prepared and filed Plaintiffs' Response to Order to Show Cause. (D.E. 34.) As a result, Plaintiffs have not had much time to prepare a response to the Motion to Dismiss and need additional time to do so.

6. Plaintiffs have not previously asked for an extension of time to respond to the Motion to Dismiss and the Court has not otherwise extended the time period for a response.

7. Defendants' counsel has informed Plaintiffs that Defendants do not object to a 14-day extension of Plaintiffs' deadline to file and serve a response to the Motion to Dismiss.

8. Consequently, there is good cause to extend the time within which Plaintiffs may file and serve a response to the Motion to Dismiss by an additional 14 days, to and including November 20, 2024.

9. Plaintiffs respectfully attach a proposed Order granting this motion and have separately e-mailed the Order to Chief Judge Myers' Chambers pursuant to his Practice Preferences and Procedures.

Prayer for Relief

Accordingly, Plaintiffs respectfully request that the Court extend the time within which Plaintiffs may file and serve a response to the Motion to Dismiss by an additional 14 days, to and including November 20, 2024.

Respectfully submitted, this the 4th day of November 2024.

/s/ Thomas G. Hooper
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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on this day, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which will send electronic notification of the filing to all counsel who have filed notices of appearance in this case.

This, the 4th day of November 2024.

/s/ Thomas G. Hooper
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